

(b) The commissioner must attempt to establish a land exchange with each lessee. The lessee and the commissioner must attempt to agree on a parcel of private lakeshore land to be used for the land exchange. If the lessee obtains an option to purchase the parcel, the commissioner must conduct an appraisal and a survey of both parcels of land at the lessee's expense. If the commissioner determines that the parcel offered by the lessee is of equal or greater value than the trust land, the commissioner must submit the proposed exchange to the land exchange board, as defined in Minnesota Statutes, section 94.341, for approval. Notwithstanding Minnesota Statutes, sections 94.342 to 94.347, the land exchange board shall determine the procedures for approval of individual land exchanges, subject to the requirements of the Minnesota Constitution and this section. Any exchange under this paragraph must be submitted to the land exchange board by July 1, 2004.

(c) By December 15, 2004, the commissioner must submit a list of each parcel of land that has not been exchanged pursuant to paragraph (b) to the house and senate environment and natural resource committees. The list submitted by the commissioner must include recommendations for sale or retention of the remaining individual parcels. Subject to approval by the legislature, the commissioner must sell parcels approved for sale by public sale at the expiration of the lease term using a sealed bid procedure under the remaining provisions of Minnesota Statutes, chapter 92. After approval of sale by the legislature, a lessee of land approved for sale may request during the remainder of the lease term that lands leased by the lessee be sold at a public sale pursuant to this section within one year of the request.

(d) The commissioner must mail notice of this section to each lessee by July 1, 1998.

Sec. 61. REPEALER.

(a) Minnesota Statutes 1997 Supplement, section 85.015, subdivision 1c, as amended by this act, is repealed effective June 30, 1999.

(b) Laws 1991, chapter 275, section 3, is repealed.

Sec. 62. EFFECTIVE DATE.

Section 31 is effective January 1, 1998. Sections 28 and 29 are effective January 1, 1999. Section 23 is effective July 1, 1999. Section 52 is effective the day following final enactment and applies to new applications submitted after that date. The remainder of this act is effective the day following final enactment.

Presented to the governor April 10, 1998

Signed by the governor April 21, 1998, 10:02 a.m.

CHAPTER 402—S.F.No. 816

An act relating to public administration; providing exceptions to cruelty in transportation provisions for carrying certain animals; changing certain animal shelter requirements; providing for alternative dispute resolution for certain matters; delaying the effect of a repealer; requiring a report; amending Minnesota Statutes 1996, sections 343.24; 343.40, subdivision 2; and 346.38, sub-

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divisions 4 and 5; Laws 1986, chapter 398, article 1, section 18, as amended; proposing coding for new law in Minnesota Statutes, chapter 583.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1996, section 343.24, is amended to read:

343.24 **CRUELTY IN TRANSPORTATION.**

Subdivision 1. **PENALTY.** Any person who does any of the following is guilty of a misdemeanor: (a) Carries or causes to be carried, any live animals upon any vehicle or otherwise, without providing suitable racks, cars, crates, or cages in which the animals can both stand and lie down during transportation and while awaiting slaughter; (b) Except as provided in subdivision 2, paragraph (a), carries or causes to be carried, upon a vehicle or otherwise, any live animal having feet or legs tied together, or in any other cruel or ~~inhuman~~ inhumane manner; (c) Transports or detains livestock in cars or compartments for more than 28 consecutive hours without unloading the livestock in a humane manner into properly equipped pens for rest, water, and feeding for a period of at least five consecutive hours, unless requested to do so as provided in subdivision 2, paragraph (b), or unless prevented by storm or unavoidable causes which cannot be anticipated or avoided by the exercise of due diligence and foresight; or (d) Permits livestock to be crowded together without sufficient space to stand, or so as to overlie, crush, wound, or kill each other.

Subd. 2. **EXCEPTION EXCEPTIONS.** (a) A person may carry or cause to be carried, upon a vehicle or otherwise, a cloven-hoofed animal having legs tied together, if:

(1) the person transporting the animal is the animal's owner, or an employee or agent of the owner;

(2) the animal weighs 250 pounds or less;

(3) the tying is done in a humane manner and is necessary for the animal's safe transport; and

(4) the animal's legs are tied for no longer than one-half hour.

(b) A person or corporation engaged in transporting livestock may confine livestock for 36 consecutive hours if the owner or person with custody of that particular shipment of livestock requests in writing that an extension be allowed. That written request shall be separate from any printed bill of lading or other railroad form.

Sec. 2. Minnesota Statutes 1996, section 343.40, subdivision 2, is amended to read:

Subd. 2. **BUILDING SPECIFICATIONS.** The shelter shall include a moisture-proof and windproof structure of suitable size to accommodate the dog and allow retention of body heat. It shall be made of durable material with a solid, moisture-proof floor or a floor raised at least two inches from the ground and with the entrance covered by a flexible windproof material or a self-closing swinging door. Between November 1 and March 31 the structure must have a windbreak at the entrance. The structure shall be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shavings, blankets, or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat.

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Sec. 3. Minnesota Statutes 1996, section 346.38, subdivision 4, is amended to read:

Subd. 4. **SHELTER.** Equines must be provided a minimum of free choice protection or constructed shelter from direct rays of the sun when temperatures exceed 95 degrees Fahrenheit, from wind, and from freezing precipitation adverse weather conditions, including direct rays of the sun in extreme heat or cold, wind, or precipitation. Natural or constructed shelters must be of sufficient size to provide the necessary protection. Constructed shelters must be structurally sound, free of injurious matter, maintained in good repair, and ventilated. Outside exercise paddocks for equines do not require separate constructed shelter where a shelter is accessible to the equine on adjacent or other accessible areas of the property provided that equines are not kept in outdoor exercise paddocks during adverse weather conditions.

Sec. 4. Minnesota Statutes 1996, section 346.38, subdivision 5, is amended to read:

Subd. 5. **SPACE AND CLEANLINESS REQUIREMENTS.** Constructed shelters except for tie stalls must provide space for the animal to: (1) roll with a minimum danger of being cast; or (2) easily stand, lie down, and turn around. Stalls must be cleaned and kept dry to the extent the animal is not required to lie or stand in fluids. Bedding must be provided in all stalls, kept reasonably clean, and periodically changed. The nature of the bedding must not pose a health hazard to the animal.

Sec. 5. **[583.311] VOLUNTARY ALTERNATIVE DISPUTE RESOLUTION.**

The administrator shall establish procedures and measures to ensure maximum use of alternative dispute resolution under this chapter for disputes in rural areas. Referrals may be accepted from courts, state agencies, local units of government, or any party to a dispute involving rural land, regulation, rural individuals, businesses, or property, or any matter affecting rural quality of life. The legislature encourages state and federal agencies and governmental subdivisions to use the services provided by the administrator under this chapter and to cooperate fully when matters under this jurisdiction are subjected to alternative dispute resolution methods. The administrator may set fees for participation in voluntary procedures to pay all or part of the costs of providing such services.

Sec. 6. Laws 1986, chapter 398, article 1, section 18, as amended by Laws 1987, chapter 292, section 37; Laws 1989, chapter 350, article 16, section 8; Laws 1990, chapter 525, section 1; Laws 1991, chapter 208, section 2; Laws 1993, First Special Session chapter 2, article 6, section 2; Laws 1995, chapter 212, article 2, section 11; and Laws 1997, chapter 183, article 3, section 29, is amended to read:

Sec. 18. **REPEALER.**

Sections 1 to 17 and Minnesota Statutes, section 336.9-501, subsections (6) and (7), and sections 583.284, 583.285, 583.286, and 583.305, are repealed on July 1, ~~1998~~ 1999.

Sec. 7. **REPORT.**

By the first Tuesday in January, 1999, the commissioner of agriculture shall report to the committees on agriculture in the senate and house of representatives on the need for and any suggested changes in the Farmer-Lender Mediation Act.

Presented to the governor April 10, 1998

Signed by the governor April 20, 1998, 11:10 a.m.

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